

SENATE BILL NO. 192

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR KAWASAKI

Introduced: 2/15/22

Referred: Health and Social Services, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to midwives and the practice of midwifery; relating to apprentice**
2 **midwives; relating to the licensing of midwives; relating to insurance requirements for**
3 **the practice of midwifery; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature to preserve the right of
8 women to deliver children at home with licensed midwives, to remove obstacles for safe
9 deliveries outside of hospitals, to assure quality care of pregnant women and the children they
10 deliver, and to guarantee insurance coverage for home births.

11 * **Sec. 2.** AS 08.01.010(17) is amended to read:

12 (17) Board of **Licensed** [CERTIFIED DIRECT-ENTRY] Midwives
13 (AS 08.65.010);

14 * **Sec. 3.** AS 08.02.010(a) is amended to read:

(a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a behavior analyst licensed under AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a [DIRECT-ENTRY] midwife licensed [CERTIFIED] under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

* **Sec. 4.** AS 08.03.010(c)(8) is amended to read:

(8) Board of Licensed [CERTIFIED DIRECT-ENTRY] Midwives
(AS 08.65.010) - June 30, 2023;

* **Sec. 5.** AS 08.64.370 is amended to read:

Sec. 08.64.370. Exceptions to application of chapter. This chapter does not apply to

(1) officers in the regular medical service of the armed services of the United States or the United States Public Health Service while in the discharge of their official duties;

(2) a physician or osteopath, who is not a resident of this state, who is asked by a physician or osteopath licensed in this state to help in the diagnosis or treatment of a case;

(3) the practice of the religious tenets of a church;

(4) a physician in the regular medical service of the United States Public Health Service or the armed services of the United States volunteering services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in the state;

(5) a person who is a licensed [CERTIFIED AS A DIRECT-ENTRY] midwife [BY THE DEPARTMENT] under AS 08.65 while engaged in the practice of midwifery whether or not the person accepts compensation for those services; in this paragraph, "licensed midwife" has the meaning given in AS 08.65.190;

(6) a physician licensed in another state who, under a written agreement with an athletic team located in the state in which the physician is licensed, provides medical services to members of the athletic team while the athletic team is traveling to or from or participating in a sporting event in this state.

* **Sec. 6.** AS 08.65.010(a) is amended to read:

(a) There is established the Board of Licensed [CERTIFIED DIRECT-ENTRY] Midwives.

* **Sec. 7.** AS 08.65.010(b) is amended to read:

(b) The board consists of five members appointed by the governor subject to confirmation by the legislature in joint session. Members serve for staggered terms of four years and, except as provided in AS 39.05.080(4), each member serves until a successor is appointed and qualified. The board consists of two members who are licensed [CERTIFIED] in this state as [DIRECT-ENTRY] midwives, two members who are advanced practice registered nurses [ONE PHYSICIAN LICENSED BY THE STATE MEDICAL BOARD IN THIS STATE WHO HAS AN OBSTETRICAL PRACTICE OR HAS SPECIALIZED TRAINING IN OBSTETRICS, ONE CERTIFIED NURSE MIDWIFE] licensed under AS 08.68 by the Board of Nursing in this state and who practice in an out-of-hospital setting, and one public member.

* **Sec. 8.** AS 08.65.030 is amended to read:

1 **Sec. 08.65.030. Duties and powers of board.** (a) The board shall

2 (1) review applications for licenses to engage in the practice of
 3 midwifery to determine whether the applicants satisfy the requirements of
 4 AS 08.65.050 [EXAMINE APPLICANTS AND ISSUE CERTIFICATES TO THOSE
 5 APPLICANTS IT FINDS QUALIFIED];

6 (2) after consultation with a nationally recognized midwife
 7 organization, adopt regulations from time to time regarding the licensing, license
 8 renewal, and practice [ESTABLISHING CERTIFICATION AND CERTIFICATE
 9 RENEWAL] requirements for the practice of midwifery that are in the public
 10 interest; the regulations must allow a person to become a licensed midwife by any
 11 method that the board determines is in the public interest;

12 (3) issue permits to apprentice [DIRECT-ENTRY] midwives;

13 (4) hold hearings and order the disciplinary sanction of a person who
 14 violates this chapter or a regulation of the board;

15 (5) supply forms for applications, licenses, permits,
 16 [CERTIFICATES,] and other papers and records;

17 (6) enforce the provisions of this chapter and adopt regulations
 18 necessary to make the provisions of this chapter effective;

19 (7) [APPROVE CURRICULA AND ADOPT STANDARDS FOR
 20 BASIC EDUCATION, TRAINING, AND APPRENTICE PROGRAMS;

21 (8) PROVIDE FOR SURVEYS OF THE BASIC DIRECT-ENTRY
 22 MIDWIFE EDUCATION PROGRAMS IN THE STATE AT THE TIMES IT
 23 CONSIDERS NECESSARY;

24 (9) APPROVE EDUCATION, TRAINING, AND APPRENTICE
 25 PROGRAMS THAT MEET THE REQUIREMENTS OF THIS CHAPTER AND OF
 26 THE BOARD, AND DENY, REVOKE, OR SUSPEND APPROVAL OF THOSE
 27 PROGRAMS FOR FAILURE TO MEET THE REQUIREMENTS;

28 (10)] adopt regulations establishing practice requirements for
 29 [CERTIFIED DIRECT-ENTRY] midwives under AS 08.65.140.

30 (b) The board may by regulation require that a licensed [CERTIFIED
 31 DIRECT-ENTRY] midwife undergo a uniform or random period of peer review to

1 ensure the quality of care provided by the **licensed** [CERTIFIED DIRECT-ENTRY]
 2 midwife.

3 * **Sec. 9.** AS 08.65.040 is amended by adding new subsections to read:

4 (b) The board may not adopt a regulation that

5 (1) requires a person to have a nursing degree or diploma to be
 6 licensed under this chapter;

7 (2) requires a licensed midwife to practice midwifery under the
 8 supervision of, or in collaboration with, another health care provider or a health care
 9 facility;

10 (3) requires a licensed midwife to enter into an agreement, whether
 11 written, oral, or in another form, with another health care provider or a health care
 12 facility; or

13 (4) limits the location where a licensed midwife may practice
 14 midwifery.

15 (c) In this section,

16 (1) "health care facility" has the meaning given in AS 18.35.399;

17 (2) "health care provider" has the meaning given in AS 09.65.300.

18 * **Sec. 10.** AS 08.65.050 is amended to read:

19 **Sec. 08.65.050. Qualifications for license.** The board shall issue a **license**
 20 [CERTIFICATE] to practice [DIRECT-ENTRY] midwifery to a person who

21 (1) **holds a valid certified professional midwife certificate, if the**
 22 **certificate is issued by a nationally recognized midwife organization recognized**
 23 **by the board and the requirements for the certificate are consistent with this**
 24 **chapter;**

25 **(2)** applies on a form provided by the board;

26 **(3)** [(2)] pays the fees required under AS 08.65.100;

27 **(4)** [(3)] furnishes evidence satisfactory to the board that the person
 28 has not engaged in conduct that is a ground for imposing disciplinary sanctions under
 29 AS 08.65.110;

30 **(5) is certified in basic life support for health care providers** [(4)
 31 FURNISHES EVIDENCE SATISFACTORY TO THE BOARD THAT THE

PERSON HAS COMPLETED A COURSE OF STUDY AND SUPERVISED CLINICAL EXPERIENCE; THE STUDY AND EXPERIENCE MUST BE OF AT LEAST ONE YEAR'S DURATION]; and

(6) is certified in the interventions used at the time of birth to support the establishment of breathing and circulation of the newborn [(5) SUCCESSFULLY COMPLETES THE EXAMINATION REQUIRED BY THE BOARD].

* **Sec. 11.** AS 08.65.080 is amended to read:

Sec. 08.65.080. Renewal. A license [CERTIFICATE] issued under AS 08.65.050 [OR 08.65.070] expires on a date determined by the board and may be renewed every two years upon payment of the required fee and the submission of evidence satisfactory to the board that the licensed [CERTIFIED DIRECT-ENTRY] midwife has met the continuing education requirements of the board and holds a valid certified professional midwife certificate issued by a nationally recognized midwife organization recognized by the board if the requirements for the certificate are consistent with this chapter [, HAS DEMONSTRATED CONTINUED PRACTICAL PROFESSIONAL COMPETENCE UNDER REGULATIONS ADOPTED BY THE BOARD, AND HAS NOT COMMITTED AN ACT THAT IS A GROUND FOR DISCIPLINE UNDER AS 08.65.110].

* **Sec. 12.** AS 08.65.090(a) is amended to read:

(a) The board shall issue a permit to practice as an apprentice [DIRECT-ENTRY] midwife to a person who satisfies the requirements for education, training, and apprenticeship that are determined by the board to be in the public interest after consultation with a nationally recognized midwife organization [OF AS 08.65.050(1) - (3) AND WHO HAS BEEN ACCEPTED INTO A PROGRAM OF EDUCATION, TRAINING, AND APPRENTICESHIP APPROVED BY THE BOARD UNDER AS 08.65.030]. A permit application under this section must include information the board may require. The permit is valid for a term of two years and may be renewed in accordance with regulations adopted by the board.

* **Sec. 13.** AS 08.65.110 is amended to read:

Sec. 08.65.110. Grounds for discipline, suspension, or revocation of

certification. The board may impose a disciplinary sanction on a person holding a **license** [CERTIFICATE] or permit under this chapter if the board finds that the person

(1) secured a **license** [CERTIFICATE] or permit through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of client care by persons under the **licensed** [CERTIFIED DIRECT-ENTRY] midwife's supervision that does not conform to minimum professional standards regardless of whether actual injury to the client occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of current professional practices;

(C) addiction or severe dependency on alcohol or other drugs that impairs the ability to practice safely; **or**

(D) physical or mental disability; **or**

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to clients.

* **Sec. 14.** AS 08.65.120(a) is amended to read:

(a) When **the board** [IT] finds that a person holding a **license** [CERTIFICATE] or permit **under this chapter** is guilty of an offense under AS 08.65.110, the board, in addition to the powers provided in AS 08.01.075, may impose the following sanctions singly or in combination:

(1) permanently revoke **the license** [A CERTIFICATE] or permit [TO PRACTICE];

(2) suspend **the license** [A CERTIFICATE] or permit for a

1 determinate period of time;

2 (3) censure the [A] person [HOLDING A CERTIFICATE OR
3 PERMIT];

4 (4) issue a letter of reprimand;

5 (5) place the [A] person [HOLDING A CERTIFICATE OR PERMIT]
6 on probationary status and require the person to

7 (A) report regularly to the board on [UPON] matters involving
8 the basis of probation;

9 (B) limit practice to those areas prescribed;

10 (C) continue professional education until a satisfactory degree
11 of skill has been attained in those areas determined by the board to need
12 improvement;

13 (6) impose limitations or conditions on the practice of the [A] person
14 holding the license [A CERTIFICATE] or permit.

15 * **Sec. 15.** AS 08.65.120(d) is amended to read:

16 (d) The board may reinstate a license [CERTIFICATE] or permit that has
17 been suspended or revoked if the board finds after a hearing that the applicant for the
18 reinstatement is able to practice with reasonable skill and safety.

19 * **Sec. 16.** AS 08.65.140 is amended to read:

20 **Sec. 08.65.140. Required practices.** After consultation with a nationally
21 recognized midwife organization, the [THE] board shall adopt regulations regarding
22 the practice of [DIRECT-ENTRY] midwifery that are in the public interest. At a
23 minimum, the regulations must require that a licensed [CERTIFIED DIRECT-
24 ENTRY] midwife

25 (1) recommend, before care or delivery of a client, that the client
26 undergo a physical examination performed by a physician, physician assistant, or
27 advanced practice registered nurse who is licensed in this state;

28 (2) obtain informed consent from a client before onset of labor;

29 (3) comply with AS 18.15.150 regarding taking of blood samples,
30 AS 18.15.200 regarding screening of phenylketonuria (PKU), AS 18.50.160 regarding
31 birth registration, AS 18.50.230 regarding registration of deaths, AS 18.50.240

1 regarding fetal death registration, and regulations adopted by the Department of
 2 Health and Social Services concerning prophylactic treatment of the eyes of newborn
 3 infants;

4 (4) not knowingly deliver a woman with certain types of health
 5 conditions, prior history, or complications as specified by the board.

6 * **Sec. 17.** AS 08.65.140 is amended by adding new subsections to read:

7 (b) A licensed midwife may practice midwifery without being under the
 8 supervision of, or collaborating with, another health care provider or a health care
 9 facility.

10 (c) A licensed midwife may practice midwifery without entering into a written
 11 or other form of agreement with another health care provider or a health care facility.

12 (d) A licensed midwife may provide services using audio, video, or other
 13 electronic media for the purpose of diagnosis, consultation, or treatment.

14 * **Sec. 18.** AS 08.65.150 is amended to read:

15 **Sec. 08.65.150. Prohibited practices.** Except as provided in AS 08.65.170, a
 16 person who is not licensed [CERTIFIED] under this chapter as a [DIRECT-ENTRY]
 17 midwife may not practice midwifery for compensation.

18 * **Sec. 19.** AS 08.65.160 is amended to read:

19 **Sec. 08.65.160. License [CERTIFICATION] required if designation used.**
 20 A person who is not licensed [CERTIFIED] under this chapter, [OR] whose license
 21 [CERTIFICATION] is suspended or revoked, or whose license [CERTIFICATION]
 22 has lapsed [,] who knowingly uses in connection with the person's name the [WORDS
 23 OR] letters "L.M.," the words "Licensed Midwife," ["C.D.M.," "CERTIFIED
 24 DIRECT-ENTRY MIDWIFE,"] or other letters, words, or insignia indicating or
 25 implying that the person is licensed [CERTIFIED] as a [DIRECT-ENTRY] midwife
 26 by this state or who in any way, orally or in writing, directly or by implication,
 27 knowingly holds out as being licensed [CERTIFIED BY THE STATE] as a
 28 [DIRECT-ENTRY] midwife in this state is guilty of a class B misdemeanor. In this
 29 section, "knowingly" has the meaning given in AS 11.81.900.

30 * **Sec. 20.** AS 08.65.170 is amended to read:

31 **Sec. 08.65.170. Exclusions.** This chapter does not apply to [A PERSON]

(1) a person who is licensed as a physician in this state;

(2) a person who is licensed as an advanced practice registered [A CERTIFIED] nurse [MIDWIFE] by the Board of Nursing in this state.

[(3) REPEALED]

(4) REPEALED]

* **Sec. 21.** AS 08.65.180 is amended to read:

Sec. 08.65.180. Responsibility for care. If a licensed [CERTIFIED DIRECT-ENTRY] midwife seeks to consult with or refer a patient to a licensed physician, the responsibility of the physician for the patient does not begin until the patient is physically within the physician's care.

* **Sec. 22.** AS 08.65.190(1) is amended to read:

(1) "board" means the Board of Licensed [CERTIFIED DIRECT-ENTRY] Midwives;

* **Sec. 23.** AS 08.65.190(3) is amended to read:

(3) "practice of midwifery" means providing necessary supervision, health care, preventative measures, and education to women during preconception, pregnancy, labor, and the first postpartum year [PERIOD]; conducting deliveries on the midwife's own responsibility; providing immediate postpartum care of the newborn infant, well-baby care for the infant through the age of six [FOUR] weeks, and preventative measures for the infant; identifying physical, social, and emotional needs of the newborn and the woman; arranging for consultation, referral, and continued involvement of the midwife on a collaborative basis when the care required extends beyond the scope of practice of the midwife; providing direct supervision of student and apprentice midwives; and executing emergency measures in the absence of medical assistance, as specified in regulations adopted by the board.

* **Sec. 24.** AS 08.65.190 is amended by adding new paragraphs to read:

(4) "licensed midwife" means a midwife who is licensed under this chapter to practice midwifery;

(5) "midwife" means a person who practices midwifery.

* **Sec. 25.** AS 09.65.300(c)(1) is amended to read:

(1) "health care provider" means a physician, physician assistant,

dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse, practical nurse, advanced practice registered nurse, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, behavior analyst, assistant behavior analyst, licensed clinical social worker, athletic trainer, or **licensed** [CERTIFIED DIRECT- ENTRY] midwife;

* **Sec. 26.** AS 11.41.470(1) is amended to read:

(1) "health care worker" includes a person who is or purports to be an acupuncturist, advanced practice registered nurse, anesthesiologist, **licensed** [CERTIFIED DIRECT-ENTRY] midwife, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position;

* **Sec. 27.** AS 18.20.095(e)(2) is amended to read:

(2) "licensed staff member" means a person who is employed by the hospital to provide direct patient care and who is licensed or certified in the state as a physician or physician assistant under AS 08.64, **licensed** [DIRECT-ENTRY] midwife under AS 08.65, nurse or nurse aide under AS 08.68, or physical therapist or occupational therapist under AS 08.84;

* **Sec. 28.** AS 18.50.165(b) is amended to read:

(b) The registrar shall distribute copies of the form prepared under (a) of this section to each hospital in the state, to each physician in the state whose practice includes attendance at births, to each certified nurse midwife and **licensed** [CERTIFIED DIRECT-ENTRY] midwife in the state, and to each other interested person in the state who requests copies of the form.

* **Sec. 29.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the

1 service is within the scope of the provider's occupational license. In this subsection,
 2 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
 3 optometrist, chiropractor, advanced practice registered nurse, naturopath, physical
 4 therapist, occupational therapist, marital and family therapist, psychologist,
 5 psychological associate, licensed clinical social worker, licensed professional
 6 counselor, or **licensed** [CERTIFIED DIRECT-ENTRY] midwife.

7 * **Sec. 30.** AS 21.42.355 is amended by adding new subsections to read:

8 (c) If a health care insurance plan or an excepted benefits policy or contract
 9 provides indemnity for the cost of services of a physician provided to women during
 10 preconception, pregnancy, childbirth, and the period after childbirth up to one year,
 11 indemnity in a reasonable amount shall also be provided for the cost of a midwife
 12 licensed under AS 08.65 who provides the same services. Indemnity may be provided
 13 under this subsection only if the licensed midwife is practicing as a licensed midwife
 14 within the scope of the license.

15 (d) If a health care insurance plan or an excepted benefits policy or contract
 16 provides for furnishing those services required of a physician in the care of women
 17 during preconception, pregnancy, childbirth, and the period after childbirth up to one
 18 year, the contract shall also provide that a midwife licensed under AS 08.65 may
 19 furnish those same services instead of a physician. Services may be provided under
 20 this subsection only if the licensed midwife is practicing as a licensed midwife in
 21 accordance with the regulations adopted under AS 08.65.030(a)(7), and the services
 22 provided are within the scope of practice of the license.

23 * **Sec. 31.** AS 21.84.335(b)(15) is amended to read:

24 (15) **AS 21.42.355(a) and (b)** [AS 21.42.355];

25 * **Sec. 32.** AS 25.20.055(a) is amended to read:

26 (a) When a birth occurs to an unmarried woman in a hospital or en route to a
 27 hospital to which the woman is later admitted, the hospital shall ensure that a staff
 28 member

29 (1) meets with the woman before release from the hospital;

30 (2) attempts to meet with the father of the unmarried woman's child, if
 31 possible;

(3) presents to the mother and, if possible, the father, a pamphlet or statement regarding the rights and responsibilities of a natural parent; the Department of Health and Social Services shall prepare this pamphlet and distribute copies of it to each hospital in the state, to each physician in the state whose practice includes attendance at births, to each certified nurse midwife and licensed [CERTIFIED DIRECT-ENTRY] midwife in the state, and to other interested persons in the state who request copies;

(4) provides to the mother and, if possible, the father, all forms, statements, or agreements necessary to voluntarily establish a parent and child relationship, including an acknowledgment of paternity form prepared under AS 18.50.165;

(5) on request of the mother and father, assists the father in completing specific forms, statements, or agreements necessary to establish a parent and child relationship between the father and the child; and

(6) on request of the mother and father, mails a completed voluntary acknowledgment of paternity form to the state registrar for filing under AS 18.50.165.

* **Sec. 33.** AS 25.20.055(b) is amended to read:

(b) When a birth occurs to an unmarried woman who is not in a hospital for the birth nor admitted to a hospital immediately after the birth, and the birth is attended by a physician, certified nurse midwife, or licensed [CERTIFIED DIRECT-ENTRY] midwife, the physician, certified nurse midwife, or licensed [CERTIFIED DIRECT-ENTRY] midwife shall perform the duties described in (a)(2) - (6) of this section or ensure that an agent performs those duties.

* **Sec. 34.** AS 44.62.330(a)(36) is amended to read:

(36) Board of Licensed [CERTIFIED DIRECT-ENTRY] Midwives;

* **Sec. 35.** AS 47.07.900(13) is amended to read:

(13) "midwife services" means services within the practice of midwifery, as defined in AS 08.65.190, that are performed by a licensed [CERTIFIED DIRECT-ENTRY] midwife, and miscellaneous fees, other than facility fees, for birth kits, oxygen, and other ancillary expenses necessary for a birth attended by a licensed [CERTIFIED DIRECT-ENTRY] midwife;

1 * **Sec. 36.** AS 47.20.320(d) is amended to read:

2 (d) A hospital or other health facility, clinical laboratory, audiologist,
3 physician, registered or advanced practice registered nurse, licensed [CERTIFIED
4 DIRECT-ENTRY] midwife, officer or employee of a health facility or clinical
5 laboratory, or an employee of an audiologist, physician, or registered or advanced
6 practice registered nurse is not criminally or civilly liable for furnishing information in
7 good faith to the department or its designee under this section. The furnishing of
8 information in accordance with this section is not a violation of AS 08 or AS 18 or
9 regulations adopted under AS 08 or AS 18 for licensees under those statutes.

10 * **Sec. 37.** AS 08.65.060, 08.65.070, and 08.65.090(b) are repealed.

11 * **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 TRANSITION: CONTINUATION OF BOARD. (a) Notwithstanding AS 08.65.030,
14 as amended by sec. 8 of this Act, the members of the Board of Certified Direct-Entry
15 Midwives, as that board is constituted under AS 08.65.030, as that section reads on
16 December 31, 2022, shall operate as the Board of Licensed Midwives from January 1, 2023,
17 until the new members of the Board of Licensed Midwives are appointed by the governor
18 under sec. 39 of this Act and confirmed by the legislature under AS 08.65.010, as amended by
19 secs. 6 and 7 of this Act.

20 (b) In this section, "Board of Licensed Midwives" means the Board of Licensed
21 Midwives established by AS 08.65.010, as amended by secs. 6 and 7 of this Act.

22 * **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: CURRENT DIRECT ENTRY MIDWIVES AND APPRENTICE
25 MIDWIVES. (a) Notwithstanding AS 08.65.050, as amended by sec. 10 of this Act, a person
26 who holds on December 31, 2022, an unexpired certificate to practice direct-entry midwifery
27 issued under AS 08.65.050, as that section reads on December 31, 2022, is licensed on the
28 effective date of secs. 1 - 40 of this Act to practice midwifery under AS 08.65, as amended by
29 secs. 6 - 24 of this Act, for a two-year period.

30 (b) Notwithstanding AS 08.65.090, as amended by sec. 12 of this Act, a person who
31 holds on December 31, 2022, an unexpired permit to practice as an apprentice direct-entry

1 midwife issued under AS 08.65.090, as that section reads on December 31, 2022, is permitted
 2 on the effective date of secs. 1 - 40 of this Act to practice as an apprentice midwife under
 3 AS 08.65.090, as amended by sec. 12 of this Act, for a two-year period.

4 * **Sec. 40.** The uncoded law of the State of Alaska is amended by adding a new section to
 5 read:

6 TRANSITION: NEW BOARD MEMBERS. (a) Within 60 days after the effective
 7 date of secs. 1 - 40 of this Act, the governor shall appoint an advanced practice registered
 8 nurse licensed under AS 08.68 to be a member of the board to replace the physician member
 9 of the board for the remainder of the term of the physician member.

10 (b) Within 60 days after the effective date of secs. 1 - 40 of this Act, the governor
 11 shall appoint an advanced practice registered nurse licensed under AS 08.68 to be a member
 12 of the board to replace the certified nurse midwife member of the board for the remainder of
 13 the term of the certified nurse midwife member.

14 (c) The board, as constituted under (a) and (b) of this section, shall begin operating as
 15 the board when the legislature has confirmed the members appointed under (a) and (b) of this
 16 section.

17 (d) In this section, "board" means the Board of Licensed Midwives established by
 18 AS 08.65.010, as amended by secs. 6 and 7 of this Act.

19 * **Sec. 41.** The uncoded law of the State of Alaska is amended by adding a new section to
 20 read:

21 TRANSITION: REGULATIONS. The Board of Direct-Entry Midwives established
 22 by AS 08.65.010, as that section reads on December 31, 2022, shall adopt, repeal, or amend
 23 regulations as necessary to implement the changes made by secs. 1 - 40 of this Act. The
 24 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before
 25 January 1, 2023.

26 * **Sec. 42.** Section 41 of this Act takes effect immediately under AS 01.10.070(c).

27 * **Sec. 43.** Except as provided in sec. 42 of this Act, this Act takes effect January 1, 2023.